IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

Crl.Rev.Pet.No. 785 of 1998()

CRA.231/1996 of II ADDL.SESSIONS COURT, KOZHIKODE
CC.843/1993 of JUDL.MAGISTRATE OF FIRST CLASS, VADAKARA

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REVN. PETITIONER/APPELLANT/ACCUSED:

KIZHAKKANMANNIL PAVITHRAN, S/O.KANNAN,
KAVILUMPARA AMSOM DESOM,
P.O.KUNDUTHODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR MR.SHYSON P.MANGUZHA

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN, Ag.C.J.

Crl.R.P.No.785 of 1998

Dated, this the 31st day of January, 2007

ORDER

This revision arises out of the judgment in Crl.A.No.231 of 1996 of the II Additional Sessions Court, Kozhikode which was filed against the judgment in C.C.No.843 of 1993 on the file of the Judicial Magistrate of First Class, Vadakara. The petitioner/accused was charge sheeted for offences under Sections 279 and 337 of the Indian Penal Code and the learned Magistrate convicted and sentenced him to undergo simple imprisonment for three months each for the said offences. However, the sentences were ordered to run concurrently. On appeal though the learned Sessions Judge confirmed the conviction entered by the trial court, modified the sentence to that of simple imprisonment for two months each with the direction that the sentence would run concurrently. Aggrieved by the same this revision has been filed.

2. Learned counsel appearing for the revision petitioner submitted that the courts below have committed an error in

holding the accused guilty for the offence of negligence. Counsel submitted that the accused was driving the bus behind another bus which suddenly stopped without giving any signal was the reason to cause injuries to P.Ws.1 to 10. Counsel further submitted that the injuries suffered by them are not serious in nature which will assail the sentence to the accused.

3. I find no error in the reasoning adopted by the trial court as well as the appellate court. However, considering the entire facts and circumstances of the case I modify the sentence to that of a fine of Rs.10,000/- (Rs.Ten thousand) to be deposited by the petitioner before the trial court within a period of three months from today failing which benefit of this order would not be available to him. On deposit of the said amount it will be distributed equally to P.Ws.1 to 10.

Revision petition is disposed of accordingly.

K.S.RADHAKRISHNAN,
Ag.Chief Justice.

vns